

Serial No.:	10/605,726	Art Unit:	2813
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### REMARKS

The specification and claims have been amended in view of the Office action and to correct minor errors. Replacement Sheets of the drawings are submitted herewith. Sheets 12-15 of the drawings have been corrected as indicated by the red marks on copies of the original drawings attached hereto. In view of the publication hereof as US 2005/0090066 A1 additional Replacement Sheets are submitted to reduce the intensity of shading so that the lines and legends on the drawings are more prominent and minor improvements in the quality of the lines in the drawings have been made. In view of those amendments and the remarks which follow, the application is believed to be in condition for allowance.

### ELECTION/RESTRICTIONS UNDER 35 U.S.C. § 121

In sections 1-4 of the detailed action, it was stated as follows:

- “1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - “I. Claims 1-19 are drawn to a method of forming an FET device, classified in class 438, subclass 300.
  - “II. Claim 20 is drawn to an FET device, classified in class 257, subclass 347.”
- “2. The inventions are distinct, each from the other because of the following reasons:
 

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f))- In the instant case, the product as claimed can be made by another and materially different process such as by forming the gate electrode prior to forming the raised source/drain instead of the as-claimed process of forming the gate electrode after forming the raised source/drain.”
- “3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.”
- “4. During a telephone conversation with Graham S. Jones, II on 18 January 2005 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-19. Affirmation of this election must be made by applicant in replying to this Office action. Claim 20 is withdrawn from further consideration by the examiner, 37 CFR 1.142(b ), as being drawn to a non-elected invention.”

Applicant hereby affirms the election of the Group I, claims 1-19, Moreover claim 20 which was withdrawn from consideration has been canceled without prejudice to pursuit of protection therefor in a divisional application.

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### SPECIFICATION

In sections 6-7 of the detailed action, it was stated as follows:

"6. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification."

"7. The disclosure is objected to because of the following informalities:

"The second embodiment (see paragraphs [0034] to [0039]) uses double prime ("') labeling for 10", RS", RD", 18", 36" which should be changed to 10', RS', RD', 18', 36' to be consistent with the labeling of Fig. 1B; and

"In paragraph [0041], first sentence, change "10" of Fig. 1B" to --10' of Fig. 1B-- to be consistent with the labeling of Fig. 1B.

"Appropriate correction is required."

The required corrections have been made and additional minor errors in the specification have been corrected as well.

### CLAIM OBJECTIONS

In section 8 of the detailed action, it was stated as follows:

"8. Claims 1, 11, 17 are objected to because of the following informalities:

"In claim 1, line 1, change 'and FET' to -- an FET-- to correct spelling;

"In claim 1, line 15, delete 'an' to correct grammar;

"In claim 11, line 26, delete 'an' to correct grammar; and

"In claim 17, lines 1-2, change 'internal etch stopping film' to --internal etch stop layer-- for proper antecedence to claim 11, lines 25-26.

"Appropriate correction is required"

Claims 1, 11 and 17 have been amended to provide the required corrections.

In section 9 of the detailed action, it was stated as follows:

"9. Applicant is advised that should claim 6 be found allowable, claim 7 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § (( 706.03(k))."

Claim 7 has been amended to add substantial features which are believed to clearly distinguishes it from claim 6.

### Claim Rejections - 35 U.S.C. § 112

In section 11 of the detailed action, it was stated as follows:

"11. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention."

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**"Claim 1 and claim 11 are indefinite because they are inconsistent with the specification which does not show nor describe a recessed channel formed above the SiGe layer as claimed in claim 1 and claim 11 (see last three lines of both claims). Also see MPEP section 2173.03."**

Claims 1 and 11 have been amended to eliminate a grammatical ambiguity by using the word "above" referring to the antecedent words the raised source/drain regions RS and RD, since the conjunction "and" was inadvertently omitted leaving it to refer to the subsequent words "SiGe layer". It is now believed to be clear that the amendments are explicit and that they eliminate the ambiguity.

Section 11 of the detailed action stated further as follows:

**"Claim 11 recites the limitation 'the gate electrode space' in lines 17-18. There is insufficient antecedent basis for this limitation in the claim."**

**"Claims 2-10 are rejected under 35 U.S.C. 112, second paragraph, because they depend on claim 1; and**

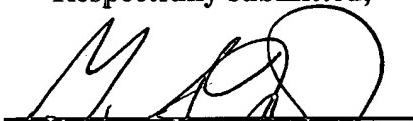
**"Claims 12-19 are rejected under 35 U.S.C. 112, second paragraph, because they depend on claim 11."**

It is respectfully submitted that the amendment to claims 1 and 11 have rendered the above grounds of rejection moot. Accordingly, it is believed the 35 U.S.C. 112, second paragraph rejections of claims 1-19 have been overcome.

No fee is believed to be due for the submission of this amendment. If any fees are required, however, please charge such fees to Deposit Account No. 09-0458.

In view of the amendments and the above remarks favorable action including allowance of the claims and the application as a whole are respectfully solicited.

Respectfully submitted,



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Attachments: Marked up drawings

Enclosures: Replacement Drawings



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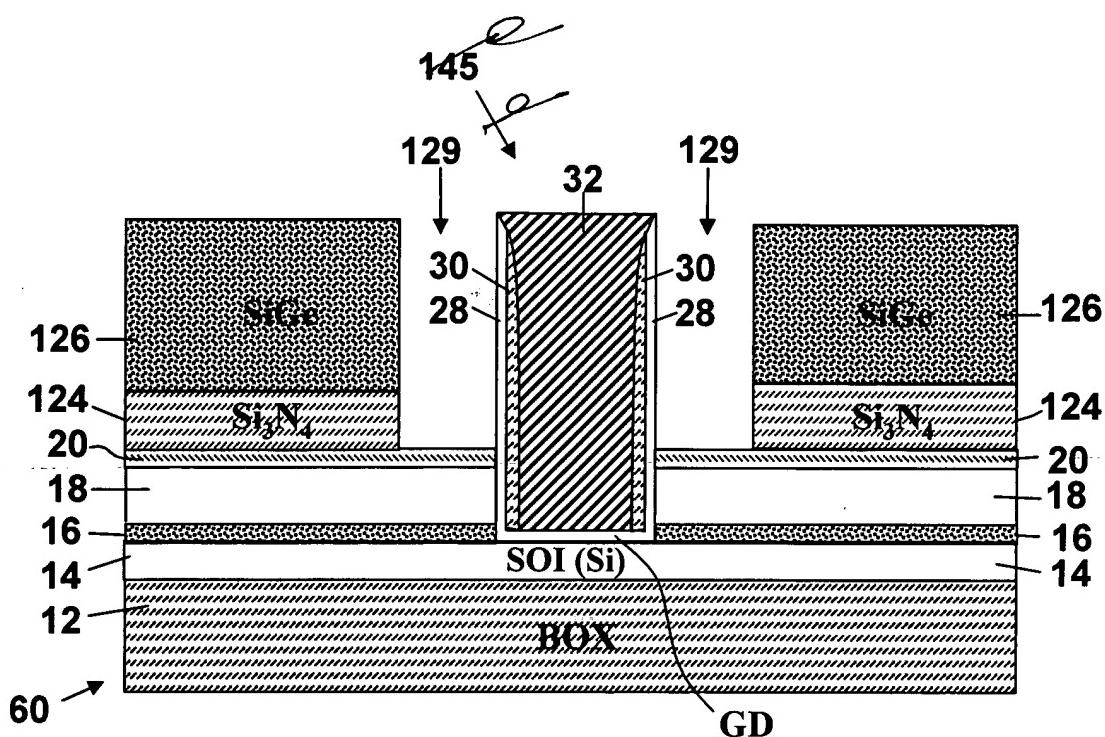


FIG. 3M

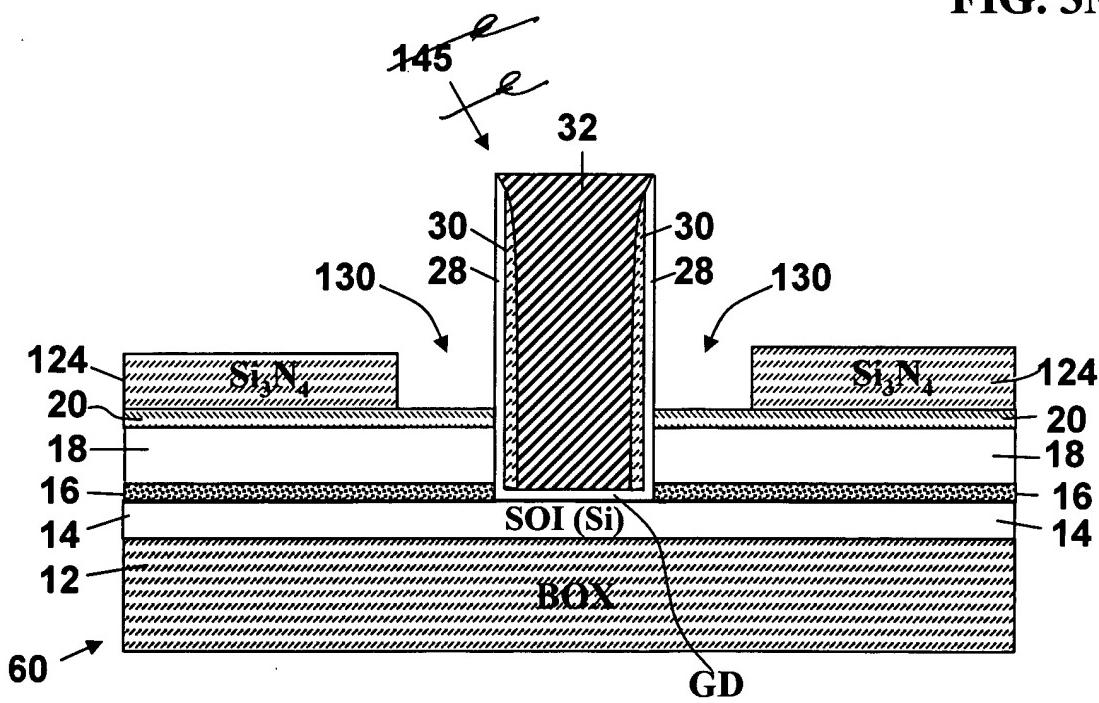
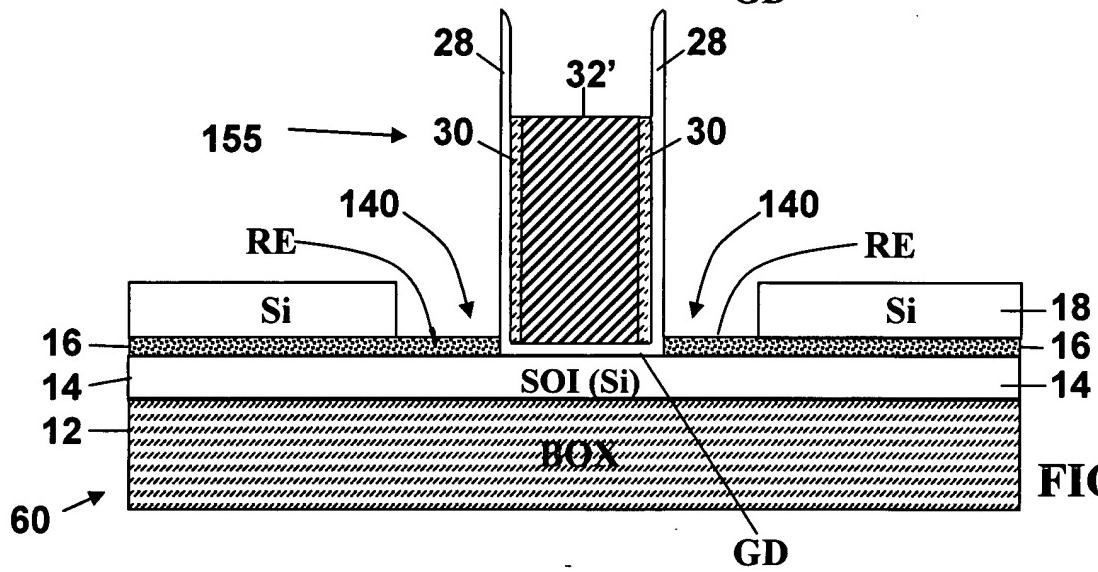
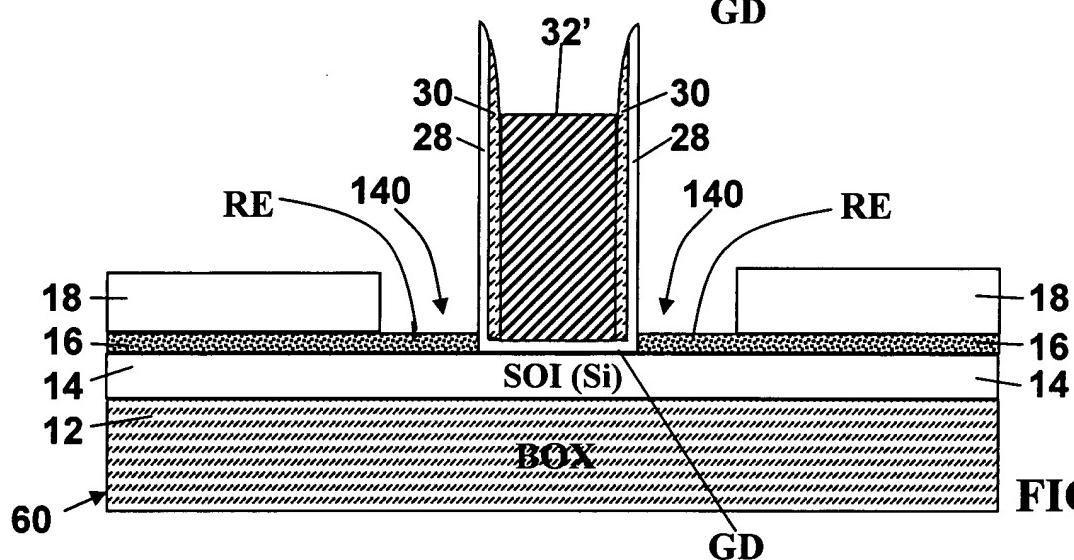
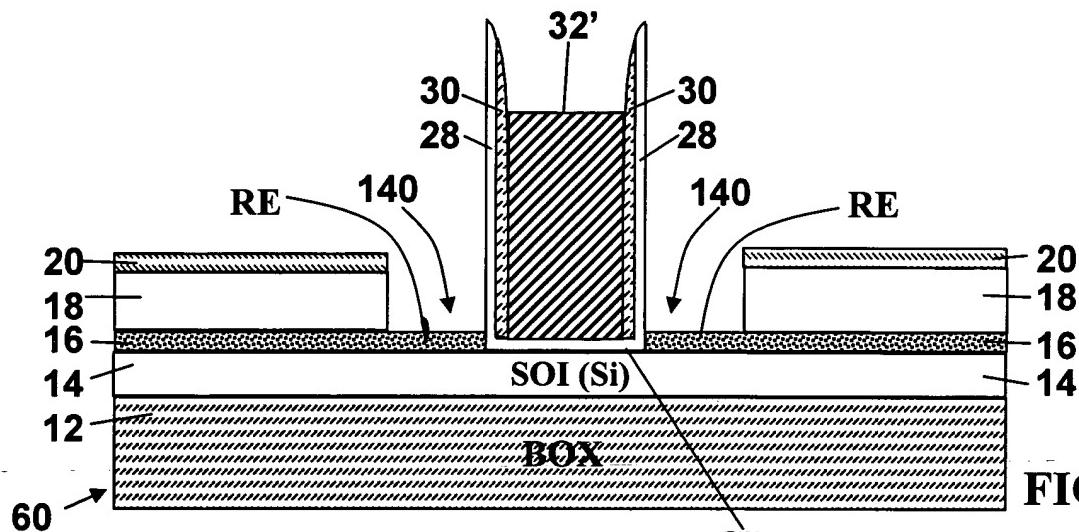


FIG. 3N

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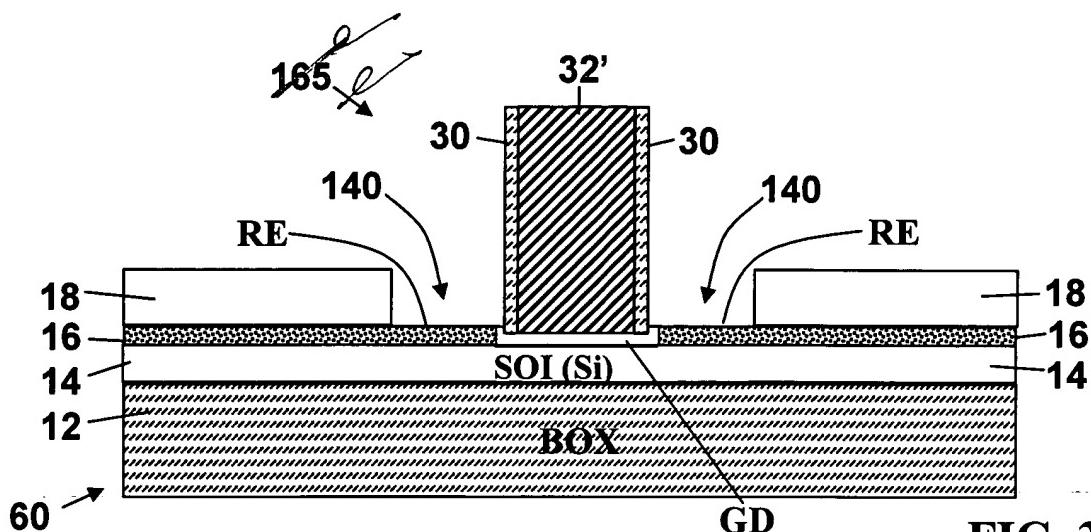


FIG. 3R

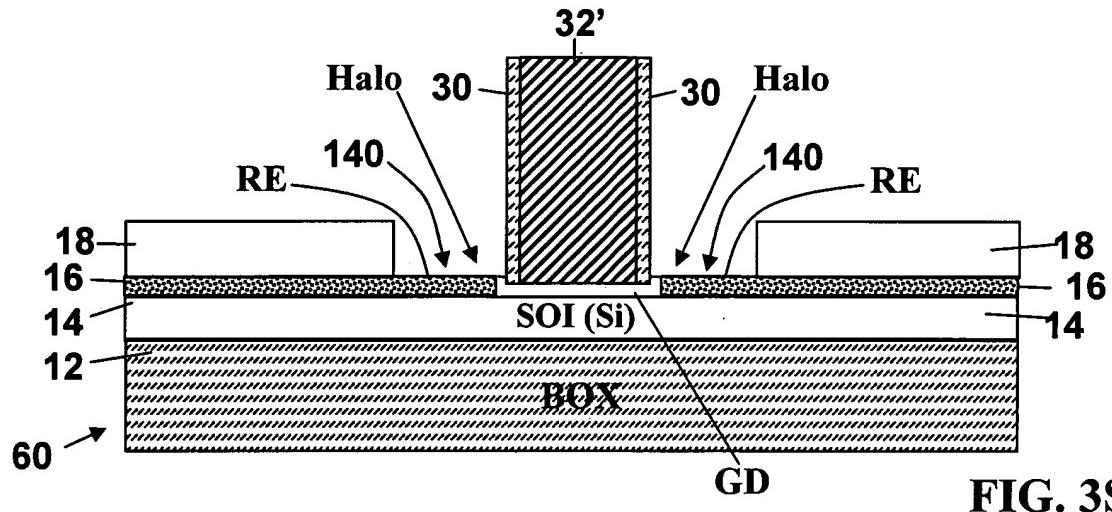


FIG. 3S

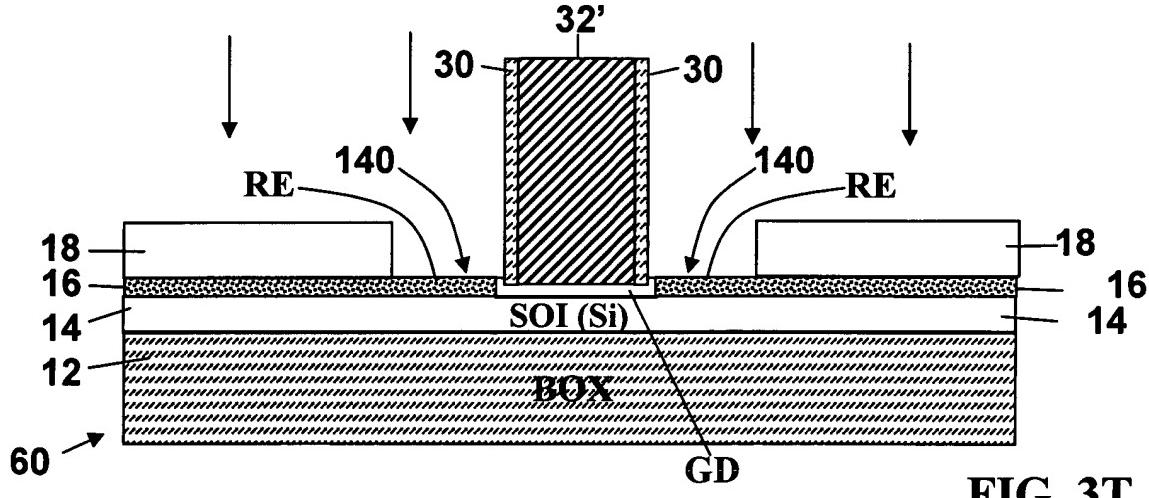


FIG. 3T

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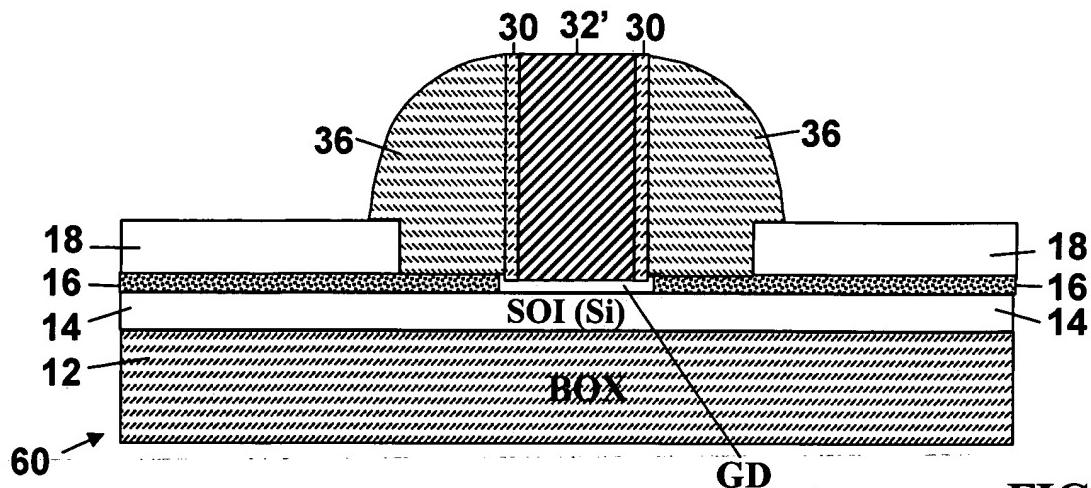


FIG. 3U

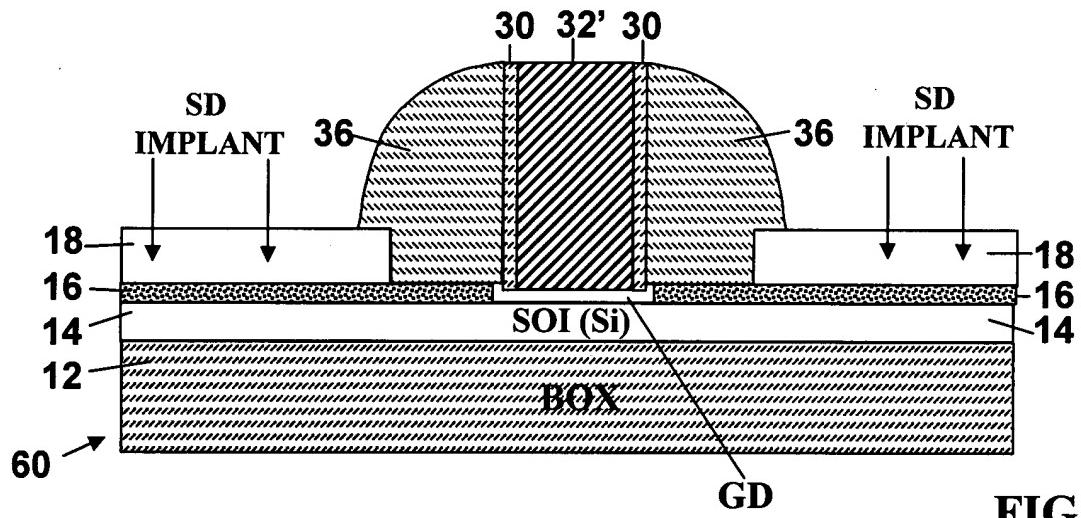


FIG. 3V

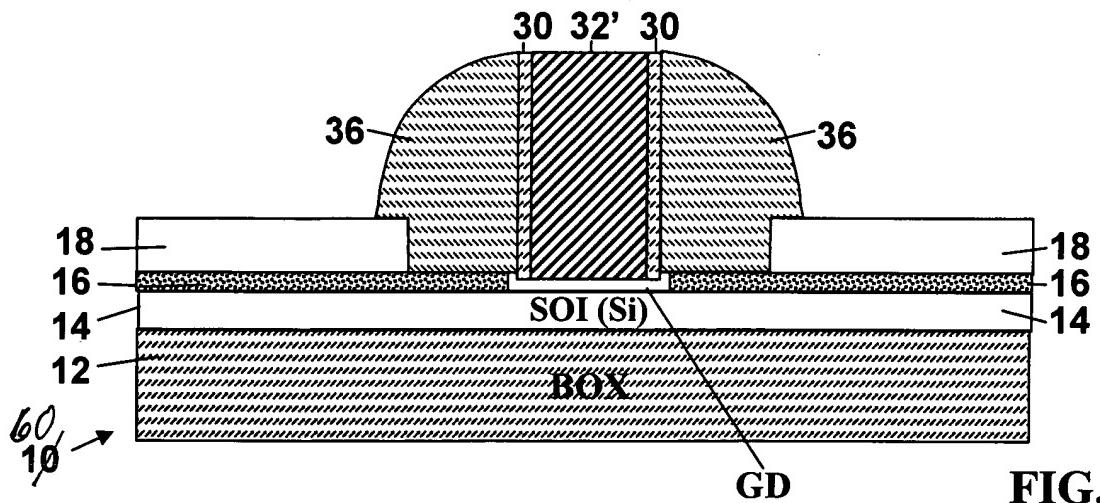


FIG. 3W